

A message was received from the Governor transmitting the following communications :

EXECUTIVE OFFICE, }
FEBRUARY 3, 1858. }

Gentlemen of the Senate,

and House of Representatives :

I return without my approval an act for the relief of Mandred Wood.

The best information which I have been able to obtain from the Land Office, is, that the certificate of Mandred Wood was issued for one-third of a league of land, but was recommended by the Traveling Board for only one-fourth of a league. This bill proposes to make up the difference between the one-third and the one-fourth of a league, which, I am of the opinion, the Legislature has not the right to do,

under the 2d section of Article 11 of the Constitution, which is in the following words : "The District Courts shall be opened, until the first day of July, One Thousand Eight Hundred and Forty-Seven, for the establishment of certificates, for head-rights not recommended by the commissioners appointed under the act to detect fraudulent land certificates, and to provide for issuing patents to legal claimants ; and the parties receiving shall produce the like proof, and be subject to the requisitions which were necessary and were provided by law to sustain the original application for the said certificates, and all certificates above referred to, not established or sued upon before the period limited, shall be barred, and the said certificates, and all locations and surveys thereon, shall be null and void, and all re-locations, made on such surveys, shall not be disturbed until the certificates are established as above directed."

It is clear, from the language of this clause of the Constitution, that the only remedy of the party, if the commissioners failed to do him justice, was by an action in the District Court, prior to the first day of July, 1847. The failure of the commissioners to recommend the claim for one-third of a league, and stipulating a different and less sum, cannot be regarded in any other light than a rejection of the difference between the recommended and unrecommended certificates.

H. R. RUNNELS.